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SUBJECT: BURMA: SUPREME COURT FINAL ARGUMENTS; AUNG SAN
SUU KYI MEETS LIAISON MINISTER

REF: RANGOON 20

Classified By: P/E Chief Jennifer Harhigh for Reasons 1.4 (b) & (d)

Summary

1. (C) National League for Democracy (NLD) party spokesman and Aung San Suu Kyi (ASSK) attorney Nyan Win, together with the other members of ASSK's legal team, presented final arguments in ASSK's appeal to Burma's Supreme Court January 18. They expect a verdict in two weeks. Meanwhile, ASSK met for about 30 minutes with Labor/Liaison Minister Aung Kyi January 15. We are seeking a readout of that discussion. End summary.

Supreme Court Considers Second-Stage Appeal

2. (C) ASSK's legal team argued before Burma's Supreme Court January 18 that the country's 1974 constitution and corresponding laws, including those under which ASSK was charged in May 2009, are invalid and that the government therefore has no grounds to convict her or subject her to house arrest. As expected, ASSK did not attend the court session, which lasted three and a half hours. In October, Rangoon's Divisional Court, in a first-round appeal, upheld the lower court's conviction, finding that "although the court accepts that the 1974 constitution is not valid ... Daw Aung San Suu Kyi is guilty under the 1975 State Protection Law." Nyan Win expects the Supreme Court will reach a verdict in approximately two weeks. If the Supreme Court appeal is unsuccessful, a final round of appeal to Burma's "Special Supreme Appeals Court" is possible.

ASSK Meets Aung Kyi for Fourth Time Since September

3. (C) Meanwhile, NLD Central Executive Committee (CEC) member Khin Maung Swe has confirmed that ASSK met with Labor/Liaison Minister Aung Kyi briefly January 15. Khin Maung Swe said details of the discussion are as yet unavailable, but he observed that the NLD had no prior notice about the session. According to the January 19 issue of the

government-run New Light of Myanmar, which carried a photo of the meeting, it lasted only 30 minutes or so. ASSK has met with Aung Kyi a total of four times (October 3, October 7, December 9, and January 15) since her first letter to Than Shwe in late September.

¶4. (S) In his January 5 meeting with the CDA -- in which the Charge pressed for increased dialogue across the board, including between the GOB and ASSK -- Aung Kyi was notably upbeat on the prospects for useful dialogue with ASSK. Both Aung Kyi and U Thaung, with whom the Charge met separately that day, gave the distinct impression the GOB is contemplating some degree of additional movement on "ASSK" issues. On the other hand, ASSK passed us the message recently that she sees little to be gained from additional meetings with Aung Kyi, though she will not refuse to see him (Reftel).

Seeking A Readout

¶5. (C) As in the past, we may not learn any details of ASSK's latest meeting with Aung Kyi until she next meets with her legal team. Nyan Win has told us he hopes to meet ASSK the week of January 18 regarding a letter to the Yangon City Development Committee about the halt to her house renovations (Reftel). The Charge is seeking to speak directly to Aung Kyi for a readout, but the Minister has not yet taken the call.
DINGER